

Koteskey
Molded Sectioned Riser
Serial No. 10/607,225
Filed June 26, 2003

Remarks:

Applicant notes in the Official Action of October 20, 2004, the indication of allowability of certain of the claims of the present application. Applicant has made certain amendments to the claims of the present application consistent with the Examiner's indication of allowability. In particular, claim 1 has been amended to include the subject matter of claim 5, and dependent claim 5 has been cancelled. Consequently, claims 1-4 and 6 should be allowed. Similarly, claim 7 has been amended to include the subject matter of claim 11, and claim 11 has been cancelled. Consequently, claims 7-10 and 12-14 should be allowed.

Dependent claim 4 has also been restated in independent form as new claim 23, which incorporates all of the necessary limitations from the base claim and any intervening claim, and should therefore be allowed. Dependent claim 10 has also been restated in independent form as new claim 24, which incorporates all of the necessary limitations from the base claim and any intervening claim, and should therefore be allowed. Dependent claim 13 has also been restated in independent form as new claim 25, which incorporates all of the necessary limitations from the base claim and any intervening claim, and should therefore be allowed.

Independent claim 19 was previously indicated to be allowable and no change has been made to that claim. Claim 19 should be allowed. Claims 20-22 have been cancelled from this application.

The status of claims 15-18 is not clear from the Official Action of October 20, 2004. From the remarks bridging pages 3 and 4 of the Official Action it appears that the Examiner is considering rejecting these claims on the basis of Hume, U.S. Patent 5,608,998. Assuming this to be true, applicant respectfully traverses that rejection. The claimed method of assembly

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includes the step of “warping the joined segments by a distance sufficient to align the protruding mating element and tapered slot of the last pair of vertical side edges.” This step is illustrated in Figure 8 of the present application. The claimed method of assembly also includes the step of “engaging the mating portions of the last pair of vertical side edges while un-warping the joined segments until the top and bottom edges of all the segments are aligned to complete the ring.” This method is not disclosed nor suggested by Hume. In fact, a warping step followed by and engaging and un-warping of the type claimed by the applicant would not be possible with the Hume apparatus as it includes corrugations that would not permit such actions. The applicant respectfully traverses any rejection of claims 15-18 intended by the Examiner in the Official Action of October 20, 2004, and requests reconsideration and withdrawal of the same.

The Examiner’s attention is also directed to the fact that applicant filed a Disclosure of Prior Art in this application, which according to PAIR was received by the Office on October 28, 2003. A copy of the 1449/A filed at that time has been printed from the PAIR system and is attached hereto. All the listed prior art is in the English language and therefore no explanation of its relevance is believed to be necessary. The Examiner is requested to consider the listed prior art when evaluating the patentability of the invention now claimed in the present application, and to indicate that consideration as directed by M.P.E.P. § 609. Since this Disclosure of Prior Art was file nearly a year before the Examiner’s action, no fee is believed to be due.

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Should any informality remain that can be addressed by an Examiner's amendment,
the subscribing attorney would welcome a telephone conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. James Richardson", with a long horizontal flourish extending to the right.

A. James Richardson
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